

## **REMARKS**

### **Status of the Claims**

The Office Action mailed November 13, 2009 noted that claims 1-56 were pending, rejected claims 1-4, 6-30 and 32-56 and objected to claims 5 and 31. Claims 1-25, 28-37 and 39-56 are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

The Applicant thanks the Examiner and the two Supervisory Examiners for the Personal Interview of March 24, 2010 and incorporates the substance of the interview herein. Furthermore, this Amendment also incorporates the substance of the telephone call from Examiner Tran received April 8, 2010. It is respectfully submitted that claims 1-56 are pending and under consideration.

### **ENTRY OF RESPONSE UNDER 37 C.F.R. § 41.33:**

Applicant respectfully requests entry of this Amendment. The amendments were not earlier presented because the Applicant believed in good faith that the cited art did not disclose the claims as previously claimed and places the application at least into a better form for appeal. Additionally, there are references applied to the claims (i.e., Allen, Leavitt & Schnarel) which are newly cited in the Office Action, and Applicant should be provided the opportunity to present patentability arguments and amendments in view thereof. Furthermore, Applicant has been invited to submit an Amendment as discussed prior to and during the Interview of March 24, 2010. (See MPEP 1206).

### **Claim Objections**

The Office Action, on pages 2-9, objected to claims 1-25, 28-37, 39-43, and 46-56. ]

As noted in MPEP 2173.05(e), "the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite." Many of the objections seem to be based on a lack of explicit antecedent basis, which is not required. There is clearly sufficient antecedent basis for many of the terms objected to. However, in an effort to advance prosecution, the claims are amended as discussed during the interview.

With respect to claim 12, claim 11 recites "repositioned" and therefore "repositioning" in claim 12 has antecedent basis.

It is respectfully submitted that the objections are overcome. If any issues remain, the Examiner is respectfully requested to telephone the undersigned.

### **Rejection under 35 U.S.C. § 102**

The Office Action, on page 9, rejected claims 1-7, 25-28, 32-33 and 44-54 under 35 U.S.C. § 102(b) as being anticipated by Allen. The Office Action on page 9 states that claim 5 appears to be rejected but then notes that claim 5 is allowable on page 28. This rejection is respectfully traversed below.

Allen discusses a user interface for use with a computer system to create a multi-media slide presentation. Furthermore, Allen discusses a conventional pop-up menu which is displayed when a right mouse button is clicked. This menu displays at the location of the cursor on the screen at which the user depresses the second button. The menu has a title bar 201 at the top of the pop-up menu. The menu may be moved around on the screen when a user clicks and holds a mouse button down on the title bar and simultaneously drags the mouse. Releasing the mouse button will display the menu at the new location and erase it from the old location. (See Allen, column 1, lines 15-21, column 3, lines 20-25, column 5, lines 35-56 and column 6, lines 15-30). Claim 1, for example, is amended to clarify distinguishing features discussed during the Interview and not discussed by Allen.

In particular, nothing cited or found in Allen discusses "the tracking symbol being movable within the region boundary when the input transducer is in the tracking state, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls with boundaries and activatable when the input transducer is in a down state and the tracking symbol is over the controls, and the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated."

As discussed during the Interview, claim 1 is amended to clarify that the mobile tracking region moves when the tracking symbol encounters the region boundary when the input transducer is in the tracking state. Furthermore, claim 1 is amended to recite that controls are activatable when the input transducer is in a down state and the tracking symbol is over one of the controls. Allen, Figure 2, column 5, lines 35-56 and column 6, lines 15-25 do not discuss "the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the region boundary while moving." Allen, in column 6, lines 26-30 also does not discuss "the mobile tracking region

having controls with boundaries and activatable when the input transducer is in a down state and the tracking symbol is over the controls, and the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated.” Rather, Allen merely discusses a pop-up menu which may be dragged while a menu bar is clicked and does not discuss the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the region boundary while moving. Therefore, claim 1 patentably distinguishes over Allen.

Claim 25 patentably distinguishes over Allen because nothing cited or found discusses “the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is selected by the first tracking symbol.”

Claim 28 patentably distinguishes over Allen because nothing cited or found discusses “the tracking menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated” and “a tracking symbol positioned above the tracking menu, encountering the edge of the region boundary when moved and moving the tracking menu when the tracking symbol is in a tracking state when the edge of the region boundary is encountered.”

Claim 32 patentably distinguishes over Allen because nothing cited or found discusses “moving a tracking menu having controls in correspondence to the tracking symbol when the tracking symbol is in a tracking state and the tracking symbol encounters an edge of the tracking menu with the tracking menu always being visible when one of the controls is not activated and always being not visible when one of the controls is activated when the tracking symbol is in a down state over one of the controls.”

Claim 44 patentably distinguishes over Allen because nothing cited or found discusses “moving the second tracking symbol responsive to an input transducer when the input transducer is in a tracking state, and the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the input transducer is in a down state over one of the controls.”

Claim 45 patentably distinguishes over Allen because nothing cited or found discusses “the menu is always visible when one of the selectable objects is not selected and always not visible when one of the selectable objects is selected when the single cursor is in a down state over one of the selectable objects.”

Claim 46 patentably distinguishes over Allen because nothing cited or found discusses “producing for display a first tracking symbol having a first tracking symbol position controllable

by the position transducer when the position transducer is in a tracking state and a second tracking symbol containing the first tracking symbol, having a second tracking symbol position controlled by the position of the first tracking symbol” and “the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the position transducer is in a down state over one of the selectable objects.”

Claim 47 patentably distinguishes over Allen because nothing cited or found discusses “moving a tracking menu in correspondence to the tracking symbol when the tracking symbol is in a tracking state and the tracking symbol encounters an edge of the tracking menu” and “the tracking menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the tracking symbol is in a down state over one of the selectable objects.”

Claim 48 patentably distinguishes over Allen because nothing cited or found discusses “the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the first tracking symbol is in a down state over one of the selectable objects.”

Claim 49 patentably distinguishes over Allen because nothing cited or found discusses “the cursor tool movable within the display area when in the tracking state and that drags the display area around when the boundary of the display area is reached and being activated by an input event when the cursor tool is in a down state, the display area having a menu containing selectable objects with the menu having a menu boundary and comprising a mobile tracking region having a region boundary coincident with the menu boundary, and the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the cursor tool is in the down state over one of the selectable objects.”

Claim 50 patentably distinguishes over Allen because nothing cited or found discusses “a mobile tracking region, on the graphical user interface display, having a region boundary enclosing the tracking symbol with the tracking symbol being movable when the input transducer is in the tracking state and within the region boundary when not dragging, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls activatable when the input transducer moving the tracking symbol is in a down state over the controls the controls, and the mobile tracking region is always

visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in the down state over one of the controls.”

Claim 51 patentably distinguishes over Allen because nothing cited or found discusses “a mobile tracking region, on the graphical user interface display, having a region boundary enclosing the tracking symbol with the tracking symbol being movable when the input transducer is in the tracking state and the tracking symbol is within the region boundary, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls activatable when the input transducer moving the tracking symbol is in a down state over corresponds to the controls, the controls for selecting commands, and the mobile tracking region is always visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in the down state over one of the controls.”

Claim 52 patentably distinguishes over Allen because nothing cited or found discusses “the menu moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the edge while moving, and a region defined within the edge having controls activatable when the input transducer moving the tracking symbol is in a down state over the controls, and the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in the down state over one of the controls.”

Claim 53 patentably distinguishes over Allen because nothing cited or found discusses “the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in a tracking state and the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls with boundaries and activatable when the tracking symbol is over one of the controls and the input transducer is in a down state.”

Claim 54 patentably distinguishes over Allen because nothing cited or found discusses “a menu, on the graphical user interface display, having a menu boundary and comprising a mobile tracking region having a region boundary coincident with the menu boundary and enclosing the tracking symbol with the tracking symbol being movable within the region boundary when the input transducer is in the tracking state, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls with boundaries and activatable when input transducer moving the tracking symbol is in a down state

over the controls, the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in a down state, and the menu tracks the tracking symbol when the menu is not visible.”

The dependent claims depend from the above-discussed independent claims and are patentable over Allen for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by Allen. For example, claim 26 recites “the first and second tracking symbol positions correspond.” The Office Action, on page 12, cited to column 3, lines 21-25 and 50-56 of Allen as discussing the above features of claim 26. However, Allen merely discusses use clicking a first mouse button to bring up a popup menu and a second mouse button to drag that popup menu to a location and does not discuss the first and second tracking symbol positions correspond. It is submitted that the dependent claims are independently patentable over Allen.

Withdrawal of the rejection is respectfully requested.

### **Rejection under 35 U.S.C. § 103**

The Office Action, on page 15, rejected claims 1-4, 6-7, 10-12, 14-15, 20-23, 25-29, 32-33, 44 and 46-55 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt and Schnarel. The Office Action, on page 22, rejected claims 8-13, 24, 34 and 38-39 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Schnarel and Iwema. The Office Action, on page 24, rejected claims 35-37 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Schnarel, Iwema and Beaton. The Office Action, on page 25, rejected claims 16 and 40 as being unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Schnarel and Hoeber. The Office Action, on page 26, rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Schnarel, Hoeber and Nicholas, III. The Office Action, on page 27, rejected claims 19, 30, 41-43 and 56 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Schnarel and Nicholas.

Leavitt discusses a Zenu user definable interface which has a plurality of buttons and which are displayed in a relative position about the cursor to substantially reduce cursor commute. Additionally, Leavitt notes that the Zenu eliminates screen clutter by being invisible until activated and disappears once a selection is made. (See Leavitt, paragraphs [0015], [0030] and [0061]).

Schnarel discusses that a graphical input device is utilized for moving the viewport substantially simultaneously with the cursor, where the cursor is moved by the mouse to

encounter one of the edges of the viewport. As the mouse is moved, the viewport appears to move along with the cursor as the cursor "pushes" the viewport in the direction of cursor movement. In other words, Schnarel merely discusses a viewport which moves along with a cursor. (See Schnarel, column 4, lines 19-28).

As noted above, claim 1 is amended to clarify distinguishing features not discussed by Leavitt and Schnarel, taken alone and in combination. In particular, nothing cited or found in Leavitt and Schnarel discusses "the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls with boundaries and activatable when the input transducer is in a down state and the tracking symbol is over the controls, and the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated." The Office Action, on page 16, admitted that Leavitt does not discuss all features recited in claim 1, but relied upon Schnarel. However, Schnarel does not cure the admitted deficiencies of Leavitt. Schnarel merely discusses a viewport which moves to follow a mouse at an edge of the viewport. However, Leavitt in combination with Schnarel does not discuss "the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the region boundary while moving." Neither reference discusses a tracking state. Furthermore, paragraph [0030] of Leavitt does not discuss "controls with boundaries and activatable when the input transducer is in a down state and the tracking symbol is over the controls, and the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated." Leavitt does not discuss a down state. Therefore claim 1 patentably distinguishes over Leavitt and Schnarel.

Claim 25 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses "the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is selected by the first tracking symbol."

Claim 28 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses "a tracking symbol positioned above the tracking menu, encountering the edge of the region boundary when moved and moving the tracking menu when the tracking symbol is in a tracking state when the edge of the region boundary is encountered."

Claim 32 patentably distinguishes over Leavitt and Schnarel, taken alone and in

combination, because nothing cited or found discusses “moving a tracking menu having controls in correspondence to the tracking symbol when the tracking symbol is in a tracking state and the tracking symbol encounters an edge of the tracking menu with the tracking menu always being visible when one of the controls is not activated and always being not visible when one of the controls is activated when the tracking symbol is in a down state over one of the controls.”

Claim 44 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “moving the second tracking symbol responsive to an input transducer when the input transducer is in a tracking state, and the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the input transducer is in a down state over one of the controls.”

Claim 46 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the position transducer is in a down state over one of the selectable objects.”

Claim 47 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “moving a tracking menu in correspondence to the tracking symbol when the tracking symbol is in a tracking state and the tracking symbol encounters an edge of the tracking menu” and “the tracking menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the tracking symbol is in a down state over one of the selectable objects.”

Claim 48 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “the menu is always visible when one of the selectable objects is not activated and always not visible when one of the selectable objects is activated when the first tracking symbol is in a down state over one of the selectable objects.”

Claim 49 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “the cursor tool movable within the display area when in the tracking state and that drags the display area around when the boundary of the display area is reached and being activated by an input event when the cursor tool is in a down state, the display area having a menu containing selectable objects with the menu having a menu boundary and comprising a mobile tracking region having a region boundary coincident with the menu boundary, and the menu is always visible when one of the



selectable objects is not activated and always not visible when one of the selectable objects is activated when the cursor tool is in the down state over one of the selectable objects.”

Claim 50 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “a mobile tracking region, on the graphical user interface display, having a region boundary enclosing the tracking symbol with the tracking symbol being movable when the input transducer is in the tracking state and within the region boundary when not dragging, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls activatable when the input transducer moving the tracking symbol is in a down state over the controls the controls, and the mobile tracking region is always visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in the down state over one of the controls.”

Claim 51 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “a mobile tracking region, on the graphical user interface display, having a region boundary enclosing the tracking symbol with the tracking symbol being movable when the input transducer is in the tracking state and the tracking symbol is within the region boundary, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls activatable when the input transducer moving the tracking symbol is in a down state over the controls, the controls for selecting commands, and the mobile tracking region is always visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in the down state over one of the controls.”

Claim 52 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “the menu moving in correspondence to the tracking symbol when the input transducer is in the tracking state and when the tracking symbol encounters the edge while moving, and a region defined within the edge having controls activatable when the input transducer moving the tracking symbol is in a down state over the controls, and the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in the down state over one of the controls.”

Claim 53 patentably distinguishes over Leavitt and Schnarel, taken alone and in

combination, because nothing cited or found discusses “a menu, on the graphical user interface display, having a menu boundary and comprising a mobile tracking region having a region boundary coincident with the menu boundary and enclosing the tracking symbol with the tracking symbol being movable within the region boundary when the input transducer is in the tracking state, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in a tracking state and the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls with boundaries and activatable when the tracking symbol is over one of the controls and the input transducer is in a down state.”

Claim 54 patentably distinguishes over Leavitt and Schnarel, taken alone and in combination, because nothing cited or found discusses “a menu, on the graphical user interface display, having a menu boundary and comprising a mobile tracking region having a region boundary coincident with the menu boundary and enclosing the tracking symbol with the tracking symbol being movable within the region boundary when the input transducer is in the tracking state, the mobile tracking region moving in correspondence to the tracking symbol when the input transducer is in the tracking state and the tracking symbol encounters the region boundary while moving, the mobile tracking region having controls with boundaries and activatable when input transducer moving the tracking symbol is in a down state over the controls, the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated when the input transducer is in a down state, and the menu tracks the tracking symbol when the menu is not visible.”

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. As a first example, claim 12 recites “the repositioning positions the menu a least Euclidean distance from a prior position.” The Office Action on page 20 cited to paragraph [0061] of Leavitt which discusses displaying a user definable interface in a relative position about the cursor position. Leavitt, in paragraph [0061], says nothing about Euclidean distance. As a second example, claim 21 recites “the interior tracking boundary comprises a jutting wall.” In particular, the Office Action cited to Figure 1b and boundary 56 of Schnarel. However, the Office Action is merely citing to viewport 56. This is not an interior tracking boundary. Additionally, claim 56 recites “the menu boundary deforms when encountering a persistent object while moving on the graphical user interface display.” The Office Action cited to Figure 4A and column 8, lines 30-36 of Nicholas as allegedly discussing these features. However, Nicholas merely discusses that a position of a trailing message can be repositioned, resized or disappear. Nicholas does not

discuss deforming a menu boundary. It is submitted that the dependent claims are independently patentable over the cited references.

Withdrawal of the rejection is respectfully requested.

### **Allowable Subject Matter**

The Office Action, on page 28, noted that claims 5 and 31 would be allowable if rewritten to overcome the objections. In light of the amendments to claims 5 and 31, it is submitted that claims 5 and 31 are allowable.

### **Summary**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

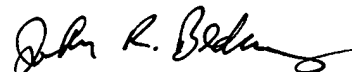
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 4-13-10

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